

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF GEORGIA  
VALDOSTA DIVISION

JULIAN A. RIGBY, Individually and  
on behalf of all others similarly situated,

Plaintiff,

v.

FLUE-CURED TOBACCO COOPERATIVE  
STABILIZATION CORPORATION A/K/A/  
FLUE CURED TOBACCO COOPERATIVE,

Defendant.

Civil Action No. 7:05-CV-122-HL

**MOTION TO DISMISS COUNT FOUR OF PLAINTIFF'S FIRST AMENDED  
COMPLAINT AND TO TRANSFER VENUE OF THE  
REMAINING ACTION TO THE EASTERN DISTRICT OF NORTH CAROLINA**

Pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure and 28 U.S.C.

§ 1404(a), Defendant Flue-Cured Tobacco Stabilization Corporation (“Stabilization”) moves this court: to (1) dismiss Count Four of the First Amended Complaint (the “Complaint”) for breach of contract in light of the alleged contract’s exclusive forum selection clause; and (2) transfer venue of the remaining action to the United States District Court for the Eastern District of North Carolina, Western Division, because the Eastern District of North Carolina is a proper venue and a more convenient forum for the parties and witnesses, and a transfer would serve the interests of justice.

In support of this motion, and as required by Local Rule 7.1, Stabilization has filed contemporaneously herewith its Memorandum of Law and the Declaration of Arnold Hamm.

Dated: January 13, 2006.

By: /s/ Gerald M. Edenfield

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ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Motion to Dismiss Count Four and to Transfer Venue of the Remaining Action to the Eastern District of North Carolina was filed with the Clerk of Court using the CM/ECF System which in turn will send notification of such filing to the following:

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This the \_\_\_\_\_ day of January, 2006.

/s/ Gerald M. Edenfield  
Gerald M. Edenfield